

RFP FORMS "CS" SERIES

REQUEST FOR PROPOSALS

PRINTING, BINDING, PACKAGING, AND DELIVERING THE
2005 IOWA ACTS AND THE 2005 CODE SUPPLEMENT

CS-1 INSTRUCTIONS FORM

Issued: August 15, 2005

Legislative Services Agency
State Capitol
Des Moines, Iowa 50319

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REQUEST FOR PROPOSALS (FORM CS-1) INSTRUCTION FORM 2005 IOWA ACTS & 2005 CODE SUPPLEMENT

CS-1 INSTRUCTIONS FORM

I. READING THIS RFP

- A. Purpose.** This Request for Proposals (RFP) is issued by the Legislative Services Agency (Agency) to solicit proposal forms which includes bids for the production (compilation, printing, and binding), packaging, and delivery of two publications: (1) The Acts and (2) The Code Supplement.
- B. RFP Consists of Three Documents with Associated Items (Forms).** This RFP consists of the following documents: This Instructions Form (CS-1), the Contract Forms (CS-2), and the Proposal Forms (CS-3). The Contract Forms includes two items: Item #1 is the Contract Form for the Acts and Item #2 is the Contract Form for the Code Supplement. The Proposal Forms also contains two items: Item #1 is the Proposal Form for the Acts and Item #2 is the Proposal Form for the Code Supplement.
- C. Definitions.** For key definitions used in this RFP consult each contract form.
- D. Getting Started.** A bidder makes a proposal in response to this RFP by completing and submitting the relevant proposal form to the Agency for its evaluation. In completing a proposal form, a bidder should consult this Instructions Form and the corresponding contract form which contains all specifications, terms, conditions, and requirements for producing, packaging, and delivering the books.
- E. No Obligation.** This RFP requests the submission of a proposal form and should not be construed as any kind of intent, commitment, or promise by the Agency, the Iowa General Assembly, or the State of Iowa to do any of the following: (1) Acquire materials or services, (2) Pay for any information or services provided by a prospective bidder, bidder, or potential contractor, or (3) Pay expenses incurred by a potential bidder, bidder, or potential contractor.

II. COMMUNICATION

- A. Communication Channels.** The Agency encourages communication between the Agency and potential bidders.
- 1. Registration -- Electronic Message.** A potential bidder is encouraged to register with the Agency by submitting an electronic mail message to the Agency which (1) States the potential bidder's interest in submitting a proposal form and (2) Provides the name of the contact person for the potential bidder together with an electronic mail address for the delivery of messages by the Agency to the potential bidder's contact person.



REQUEST FOR PROPOSALS (FORM CS-1) INSTRUCTION FORM 2005 IOWA ACTS & 2005 CODE SUPPLEMENT

- 2. Contact Persons.** All communications regarding this RFP to the Agency must be addressed to the Agency's contact persons, who are Ms. Leslie Hickey and Ms. Joanne Page:

Ms. Leslie Hickey
Iowa Code Editor
Legislative Services Agency
Address: Ola Babcock Miller Building
Des Moines, Iowa 50319
Telephone: (515) 281-8871
Fax: (515) 281-4424
E-mail: leslie.hickey@legis.state.ia.us

Ms. Joanne Page
Deputy Code Editor
Legislative Services Agency
Address: Ola Babcock Miller Building
Des Moines, Iowa 50319
Telephone: (515) 242-6464
Fax: (515) 281-4424
E-mail: joanne.page@legis.state.ia.us

Ms. Hickey and Ms. Page are authorized to discuss any issue relating to this RFP including any of its component forms. A potential bidder is expected to address an electronic mail message to both Ms. Hickey and Ms. Page.

- 3. a. Protocol.** Electronic mail is the ordinary channel for communication between the Agency and potential bidders. The will disclose information relating to this RFP by delivering an electronic mail delivered to persons registered as potential bidders as provided in Subparagraph 1. This includes the disclosure of questions or comments submitted by potential bidders together with the Agency's responses to those questions or comments. It also includes the disclosure of new information about this RFP that the Agency makes upon its own initiative such as clarifications in the language of the RFP or changes to the terms and conditions of the RFP. The Agency may also contact a potential bidder by telephone or personal interview.
- b. Limitation.** Nothing in this RFP requires that the Agency respond to every question or comment that is submitted by a potential bidder or that the Agency maintain a record of communications between the Agency and potential bidders. The Agency may initiate contact with a potential bidder. Nothing in this RFP requires that the Agency memorialize or disclose information that it provides or receives in the course of communications with a potential bidder, including an interview with a potential bidder or bidder or during the course of negotiations with a selected bidder as a potential contractor.
- 4. Web Site.** The Agency places documents relating to the issuance of RFP and contracts on its web site: <http://www.legis.state.ia.us/contracts>. The Agency will disclose certain information regarding this RFP on its web site such as past proposal forms; an RFP that has been issued; bidder proposal forms completed and submitted to the Agency; the Agency's scoring results of the bidders' proposal forms; and the



REQUEST FOR PROPOSALS (FORM CS-1)

INSTRUCTION FORM 2005 IOWA ACTS & 2005 CODE SUPPLEMENT

name of the bidder that the Agency selects as a potential contractor or contractor. The Agency may also elect to disclose information on its web site in lieu of contacting potential bidders directly.

- B. Bidder Questions or Concerns.** Potential bidders are expected to ask questions or express concerns about this RFP, including requests for clarifications, exceptions, or additions.
- 1. Deadline.** Questions or concerns must be delivered to the Agency no later than 4:00 p.m., August 30, 2005 (normally within 10 days prior to the deadline for the submission of a completed proposal forms as provided in Part III, Paragraph "A," Subparagraph 3.
 - 2. Exception.** A potential bidder who cannot comply with the deadline provided in Subparagraph 1, but who is interested in completing a proposal form for submission to the Agency may request an extension of the deadline in Subparagraph 1 by contacting the Agency no later than 4:00 p.m., August 26, 2005. The Agency may, at its discretion, extend the deadline for all potential bidders. Generally, the Agency will extend a deadline only if it finds that an extraordinary situation prevents one or more bidders from submitting an important question or comment on a timely basis and that an Agency response to that question or comment is required in order to ensure the submission of complete proposal forms by all potential bidders.
- C. Supplemental Information.** A potential bidder who is interested in obtaining supplemental information regarding the Acts or Code Supplement (e.g., sample pages or electronic files) should contact the Agency.
- D. Interviews.** The Agency reserves the right to personally interview a select number of potential bidders or bidders. The selection of potential bidders or bidders for interviews may be based on experience in completing projects similar to that requested in this RFP or the demonstration of exceptional qualifications based on the requirements of this RFP.

III. SUBMISSION OF A PROPOSAL FORM

- A. Manner of Submission.** The Agency will only accept a proposal which is submitted in a manner required in this paragraph. If the Agency does not accept a proposal, it shall consider it as undelivered. In order to be accepted a proposal shall comply with all of the following:
- 1. Completed Proposal Form.** The proposal must be completed using the relevant interactive proposal form as made available by the Agency to potential bidders on the Agency's web site (See Part II, Paragraph "A," Subparagraph 4). The Agency reserves the right to reject a proposal form which is incomplete as if it were a late submission as specified in Subparagraph 3.



REQUEST FOR PROPOSALS (FORM CS-1) INSTRUCTION FORM 2005 IOWA ACTS & 2005 CODE SUPPLEMENT

2. **Number of Copies.** In order to be considered fully complete, the bidder must submit five print copies and one uncompressed electronic copy of the relevant proposal form to the Agency. The Agency will not accept a proposal form submitted by fax or electronic transmission.
3. **Deadline.** A completed proposal form must be received by the Agency no later than 4:00 p.m., on September 9, 2005.
 - a. **Exception.** A potential bidder who cannot comply with the deadline but who is interested in completing a proposal form may request an extension of the deadline by contacting the Agency no later than 4:00 p.m., September 7, 2005 (normally two business days prior to the deadline specified in this Paragraph 3). The Agency may, at its discretion, extend the deadline for all potential bidders. Generally, the Agency will extend a deadline if it finds that an extraordinary situation prevents one or more bidders from submitting a timely and complete proposal form to the Agency.
 - b. **Verification.** A bidder is exclusively responsible for verifying with the Agency the time and date that the Agency received the bidder's proposal form.
4. **Submission Address.** A completed proposal form for submission to the Agency must be addressed to:

Legislative Services Agency
Proposal Form(s) for the _____¹
Attention: Ms. Leslie Hickey, Iowa Code Editor
Ola Babcock Miller Building
1112 East Grand Avenue
Des Moines, Iowa 50319

- B. **Property Rights.** A proposal form submitted to the Agency is the property of the Iowa General Assembly. The Agency will serve as custodian of the proposal form. The contents of the proposal form will not be considered proprietary or a trade secret. The Agency will not act as a party in any lawsuit to protect the rights of a potential bidder, bidder, selected bidder, or contractor.
- C. **Disclosure.** The Agency will make every effort to disclose all contents of a proposal form accepted by the Agency in a manner consistent with Code of Iowa Chapter 22 (the Iowa Public Records Law) within a reasonable time after the deadline for submissions. By submitting a proposal form to the Agency, a bidder waives any claim that information contained in the proposal form is confidential.

¹ Specify "Acts," "Code Supplement," or "Acts and Code Supplement."



REQUEST FOR PROPOSALS (FORM CS-1) INSTRUCTION FORM 2005 IOWA ACTS & 2005 CODE SUPPLEMENT

IV. CONTENTS OF PROPOSAL FORM

- A. Requirements.** In completing a proposal form for submission to the Agency, a potential bidder should comply with all of the following:
- 1. Objectiveness.** Address all of the questions provided in the proposal form in an objective manner. A potential bidder's answer must be specific, clear, and concise. Special bindings, colored displays, and promotional materials are discouraged.
 - 2. Supplemental Information.** Identify supplemental information which does not directly respond to a question in a proposal form.
 - 3. Alternatives.** Identify any alternative approach or specification which departs from an approach or specification required in the proposal form and explain why it is made and how it satisfies the objective of this RFP in the appropriate space provided in the proposal form.
- B. Combined Proposals Encouraged.** The Agency encourages bidders to submit both proposal forms for the Acts and the Code Supplement. However, a bidder may submit only one proposal.
- 1. Bidder Bound by Divided Proposal.** If a bidder submits combined proposal forms, the Agency shall consider the two proposal forms as a single proposal, and if the Agency selects the bidder to produce, package, and deliver only the Acts or the Code Supplement, the bidder is bound by the submitted proposal form selected by the Agency, unless the bidder expressly provides otherwise in its proposal form. A bidder may also submit an alternative proposal form which must expressly provide that the alternative proposal form for the Acts applies only if the bidder is selected to produce, package, and deliver the Acts alone, or that the alternative proposal form for the Code Supplement applies only if the bidder is selected to produce, package, and deliver the Code Supplement alone.
 - 2. Two Schedules for Two Different Publications.** If a bidder submits a proposal for the Acts and Code Supplement, beware that the Acts is produced, packaged, and delivered according to a particular schedule and the Code Supplement is produced, packaged, and delivered pursuant to a different schedule.²

V. COMPLIANCE WITH THE RELEVANT CONTRACT FORM

By submitting a proposal form to the Agency, a bidder who is selected by the Agency as a potential contractor agrees to the terms and conditions as provided in the corresponding contract form, unless the Contractor provides otherwise. A contractor agrees to comply with

² See the schedules provided in the relevant contract form.



REQUEST FOR PROPOSALS (FORM CS-1)

INSTRUCTION FORM 2005 IOWA ACTS & 2005 CODE SUPPLEMENT

all of the following:

- A. *General Legal Requirements.*** Comply with the general legal requirements of the contract form, which includes those boilerplate provisions which are contained in a number of Agency contracts.³
- B. *Production.*** Provide all production materials, produce all production items and books, and use the degree of workmanship required to produce production items and books, according to a general duty and standards and detailed specifications.⁴
- C. *Delivery and Format of Production Items.*** Receive composed pages transmitted by the Agency, and produce, deliver and pickup blue line pages as required by the Agency during the trial performance period and the standard performance period as provided in the relevant item of the contract form.⁵
- D. *Delivery of Production Items and Books.*** Comply with requirements for the production and delivery of production items and books during the trial performance period and the standard performance period.⁶
- E. *Communication.*** Comply with required communication protocols, including by providing for the timely response to messages delivered by the Agency's contact persons.⁷
- F. *Payment.*** Comply with the payment schedule, including procedures for payment, according to a conventional or negotiated payment schedule, for a contract price which is the bid amount as may be adjusted by the Agency's demand for incidental work, the actual number of signatures required to be produced for each book, and the Agency's acceptance of additional books produced by the contractor as par of an overrun.⁸
- G. *Procedures and Remedies for Noncompliance.*** Comply with the procedures and remedies for noncompliance, including but not limited to the bidder's posting of a performance bond, termination of a contract (justifiable, nonjustifiable, and unilateral), and remedies for breach which include specific performance and liquidated damages for late delivery of production items or books or the use of unsatisfactory materials or workmanship.⁹
- H. *Waivers and Amendments.*** Comply with the procedures for waiving or amending a provision in a contract for the production and delivery of books, including but not limited to the requirement that waivers and amendments must be in writing.¹⁰

³ Contract Form, Item #1 or #2, Part III.

⁴ Contract Form, Item #1 or #2, Parts IV and V.

⁵ Contract Form, Item #1 or #2, Part VI.

⁶ Contract Form, Item #1 or #2, Parts VII through IX.

⁷ Contract Form, Item #1 or #2, Part X.

⁸ Contract Form, Item #1 or #2, Part XI.

⁹ Contract Form, Item #1 or #2, Parts XII through XV.

¹⁰ Contract Form, Item #1 or #2, Part XVI.



REQUEST FOR PROPOSALS (FORM CS-1)
INSTRUCTION FORM 2005 IOWA ACTS & 2005 CODE SUPPLEMENT

G. Execution. Execute a contract.¹¹

VI. EVALUATION OF PROPOSALS AND SELECTION OF A BIDDER

A. General Procurement Policy. The selection of a bidder as a potential contractor is based on the procurement policies of the Agency. The Agency refers to Iowa Code §2A.5. That provision provides criteria which includes factors relating to a prospective bidder's competence, meeting of service or product specifications, and reasonableness of price; the posting of security; the preference of Iowa-based businesses if comparable in price; the disclosure of assignments; the inclusion of renewal options; and the imposition of liquidated damages and other penalties for breach of a requirement.

B. Model Scoring Sheet. The Agency will select a bidder according to a scoring sheet. The following is an example of scoring which may provide an indication of how the Agency evaluates proposals. The Agency expects to reexamine the criteria in the scoring sheet used to evaluate proposals submitted in response to this RFP and reserves the right to revise the criteria or points assigned to the criteria after the issuance of this RFP but prior to the evaluation of the proposal forms.

Criteria	Points
Bid Amount	150
Materials & Product Specifications	50
Bidder's Past Performance (Experience)	25
Completeness of Proposal	25
Extent of In-House Production	25
Combined Proposal	15
<u>In-State Production</u>	<u>10</u>
TOTAL	300

C. Selection of Bidder. The Agency will evaluate all completed and timely submitted proposal forms for the Iowa Acts and the Code Supplement, but is under no obligation to select a bidder as a potential contractor for either publication. The Agency expects to select a bidder as the contractor not later than September 13, 2005, execute a contract by September 20, 2005, and begin transmission of test-composed pages to the contractor by September 20, 2005. The initial selection of a bidder means that the Agency will negotiate in good faith with the selected bidder as the potential contractor in expectation of executing a contract. If the Agency determines that it cannot execute a contract with the potential contractor, it may select a new bidder as the potential contractor based on

¹¹ See Contract Form, Item #1 or #2, Part XVII.



REQUEST FOR PROPOSALS (FORM CS-1)

INSTRUCTION FORM 2005 IOWA ACTS & 2005 CODE SUPPLEMENT

the next highest score, reissue this RFP, issue a different RFP, or renew an existing contract according to the terms of that contract.

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